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May 8, 2015

VIA ECF

Honorable Steven C. Mannion
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07101

Re: *ADP Dealer Services, Inc., et ano. v. S. Cal. Fleet Services, Inc., et ano.*,
Civil Action No. 13-334 (SDW) (SCM)

Dear Judge Mannion:

We write in response to ADP Leasing's letter dated May 6, 2015. ADP Leasing's request for permission to file a partial summary judgment motion should be denied for four reasons.

First, ADP's request is inconsistent with the Court's Amended Scheduling Order dated February 19, 2015, which requires that summary judgment motions be filed on September 2, 2015. *See* Dkt. No. 76, ¶13. In its May 6 letter, ADP Leasing incorrectly cites to the previous Amended Scheduling Order dated October 2, 2014. *See* Dkt. No. 85 at 1.

Second, notwithstanding the current schedule, ADP's request is premature as discovery is ongoing. Over the next few weeks, the parties are scheduled to conduct approximately 11 depositions, which will take place in California, Texas, New Jersey and New York.

Third, all summary judgment motions should be filed on September 2 so that the parties can abide by one briefing schedule (as already set by the Court in the Amended Scheduling Order), and so that the Court can decide the dispositive issues at one time. *See* Dkt. No. 76, ¶13. In the interest of judicial economy and efficiency, this case should not be litigated piecemeal.

Fourth, the proposed motion is without merit. Among other things, SoCal's defenses and counterclaims are directed at ADP Leasing, the leases are not "irrevocable," and ADP Leasing is not insulated from liability. SoCal reserves the right to oppose the motion on other grounds.

Respectfully yours,

/s/ Carmine J. Castellano

Carmine J. Castellano

cc: Robert J. Rohrberger, Esq. (by ECF)